

109TH CONGRESS  
1ST SESSION

# S. 1572

To amend title XIX of the Social Security Act to clarify the application of the 100 percent Federal medical assistance percentage under the medicaid program for services provided by the Indian Health Service or an Indian tribe or tribal organization directly or through referral, contract, or other arrangement.

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## IN THE SENATE OF THE UNITED STATES

JULY 29, 2005

Mr. JOHNSON (for himself and Mr. BINGAMAN) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XIX of the Social Security Act to clarify the application of the 100 percent Federal medical assistance percentage under the medicaid program for services provided by the Indian Health Service or an Indian tribe or tribal organization directly or through referral, contract, or other arrangement.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Medicaid for American  
5       Indians and States Act of 2005”.

1 **SEC. 2. CLARIFICATION OF APPLICATION OF 100 PERCENT**

2 **FMAP.**

3 (a) IN GENERAL.—The third sentence of section  
 4 1905(b) of the Social Security Act (42 U.S.C. 1396d(b))  
 5 is amended by striking “services which are received  
 6 through” and inserting “any services provided under a  
 7 State plan which are received at or by written medical re-  
 8 ferral from”.

9 (b) CONFORMING AMENDMENT.—Section 1911(c) of  
 10 such Act (42 U.S.C. 1396j(c)) is amended by striking “in  
 11 Indian Health Service facilities to Indians who are eligible  
 12 for medical assistance under the State plan” and inserting  
 13 “to Indians who are eligible for medical assistance under  
 14 the State plan by the Indian Health Service or by an In-  
 15 dian tribe or tribal organization (as so defined) directly  
 16 or through written medical referral to, or under contract  
 17 or other arrangement with, another health care provider  
 18 and the Indian Health Service or an Indian tribe or tribal  
 19 organization, without regard to the location of service de-  
 20 livery or the entity submitting the claim for the service,  
 21 or whether such provider would be considered an inde-  
 22 pendent contractor”.

23 (c) RETROACTIVE EFFECTIVE DATE.—

24 (1) IN GENERAL.—The amendments made by  
 25 subsections (a) and (b) shall apply to items and  
 26 services furnished on or after January 1, 1997.

1           (2) APPLICATION TO PREVIOUSLY DISALLOWED  
2       PAYMENTS.—

3           (A) REVIEW OF CLAIMS.—Not later than  
4       90 days after the date of enactment of this Act,  
5       the Secretary of Health and Human Services  
6       shall—

7           (i) review any disallowed claim de-  
8       scribed in subparagraph (B) to determine  
9       if the claim satisfies the requirements for  
10      the application of the 100 percent Federal  
11      medical assistance percentage under the  
12      third sentence of section 1905(b) of such  
13      Act (42 U.S.C. 1396d(b)), as amended by  
14      subsection (a); and

15          (ii) if any such claim meets such re-  
16      quirements, revoke the disallowance of the  
17      claim and adjust the payments made to the  
18      State accordingly.

19          (B) CLAIM DESCRIBED.—For purposes of  
20      subparagraph (A), a claim described in this  
21      subparagraph is any claim submitted by a State  
22      for Federal financial participation for medical  
23      assistance provided under title XIX of the So-  
24      cial Security Act which was disallowed during  
25      the period that begins on January 1, 1997, and

1 ends on the date of enactment of this Act, on  
2 the basis that the claim was not for services re-  
3 ceived through or provided by an Indian Health  
4 Service facility or did not otherwise satisfy the  
5 requirements for the application of the 100 per-  
6 cent Federal medical assistance percentage  
7 under the third sentence of section 1905(b) of  
8 such Act (42 U.S.C. 1396d(b)).

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